

Purpose

The Utah Department of Transportation in compliance with the American Disabilities Act of 1990 and the Rehabilitation Act of 1973 ensures that individuals with disabilities will not be discriminated against in any form by the Utah Department of Transportation, including facilities, services, programs, and communications.

Policy

No qualified employee or applicant with a disability shall, on the basis of the disability, be subjected to discrimination in employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment, including recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities.

The Department shall make all decisions concerning terms, conditions or privilege of employment in a manner assuring that discrimination on the basis of disability does not occur.

The Department shall not discriminate against applicants or employees that associate with individuals with disabilities.

REASONABLE ACCOMMODATION

The Department shall make reasonable accommodation for qualified applicants with known disabilities for employment, or employees with known disabilities unless the accommodation would impose an undue hardship on the operation of the Department. It is the responsibility of the applicant and/or employee with a disability to inform the Department that an accommodation is needed.

PRE-EMPLOYMENT INQUIRES

The Department shall not conduct a pre-employment medical examination or inquiry as to whether the applicant is disabled or as to the nature or severity of a disability. The Department may inquire into an applicant's ability to perform job-related functions.

Exceptions:

For purposes of Affirmative Action, the Department invites employees to indicate whether they have any disabilities, provided that:

- (1) The Department makes clear that the information requested is intended for use solely in connection with its affirmative action efforts; and
- (2) The Department makes clear that the information is being requested on a voluntary basis, that it will be kept confidential, that refusal to provide it will not subject the applicant or employee to any adverse treatment, and that it

will be used only in accordance with this part.

Nothing in this section prohibits the Department from conditioning an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty, if all entering employees in that job classification must take such an examination regardless of whether or not they are disabled. Information obtained in accordance with this section shall be collected and maintained on separate forms and treated confidentially, except that:

- (1) Leaders may be informed of restrictions on the work or duties of employees with disabilities and necessary accommodations;
- (2) First aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment; and
- (3) Government officials investigating compliance with the Act shall be provided relevant information upon request, consistent with the Privacy act of 1974, 5 USC 552a.

ACCESSIBILITY

No qualified person with a disability will be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination in employment matters or services rendered by the Department because the Department's facilities are inaccessible to or unusable by people with disabilities.

The Department will follow the Division of Facilities, Construction and Maintenance guidelines and ADA requirements for the construction and remodeling of UDOT facilities.

Background

This policy has been developed in compliance with State and federal laws, and the Department of Human Resource Management's Rules, and for good business practice.

Definitions

An individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or who is regarded as having such an impairment.